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10/563,263	06/06/2006	Joseph McCrossan	92478-9300	6439

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ART UNIT	PAPER NUMBER
2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 June 2006</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>04 January 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>01/04/2006</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by

Yahata et al. (US Pg-Pub 2006/0245723).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art

under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome

either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

the reference was derived from the inventor of this application and is thus not the

invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Yahata et al. disclose a recording medium used for storing

data, comprising: a digital stream generated by multiplexing a video stream and a

graphics stream ([0009]), wherein: the graphics stream includes a plurality of display

sets each of which is used for a graphics display ([0072]; [0074]; Fig. 5); the display set

includes a control segment ("PCS" in abstract; Fig. 5) and graphics data ("ODS" in

abstract; Fig. 5) that is assigned an identifier ("object_id" in [0119]); and if an active

period of the control segment in the display set overlaps with an active period of a

control segment in an immediately preceding display set on a reproduction time axis of

the video stream ([0218]), the identifier assigned to the graphics data in the display set

differs from an identifier assigned to graphics data which is referenced by the control

segment in the immediately preceding display set ([0119]).

Regarding claim 2, Yahata et al. also disclose graphics generated by decoding

the graphics data in the display set in a reproduction operation is stored into an object

buffer ([0119]); the object buffer has a plurality of areas each of which is used for storing

graphics generated by decoding; and the identifier assigned to the graphics data in the

display set identifies one of the plurality of areas ([0119]).

Regarding claim 3, Yahata et al. also disclose the active period of the control

segment in the display set is from a decoding start time of the control segment in the

display set to a display start time of the graphics display which is composited based on

the control segment in the display set ([0131]); and the control segment is provided at a

beginning of the display set, and includes time information showing the decoding start

time and time information showing the display start time ([0131]; Fig. 5).

Regarding claim 4, Yahata et al. also disclose the control segment is contained

within one packet ([0072]); the time information showing the decoding start time is a

decoding time stamp written in the packet ([0073]; [0131]; [0133]); and the time

information showing the display start time is a presentation time stamp written in the

packet ([0073]; [0131]; [0219]).

Regarding claim 5, Yahata et al. also disclose when the identifier assigned to the graphics data in the display set is same as the identifier assigned to the graphics data referenced by the control segment in the immediately preceding display set, graphics generated by decoding the graphics data in the display set is made up of a same number of horizontal pixels and a same number of vertical pixels as graphics generated by decoding the referenced graphics data ([0119]).

Regarding claim 6, Yahata et al. disclose a reproduction apparatus ([0198]) for reproducing a digital stream generated by multiplexing a video stream and a graphics stream ([0009]), wherein the graphics stream includes a plurality of display sets each of which is used for a graphics display ([0072]; [0074]; Fig. 5), the display set includes a control segment ("PCS" in abstract; Fig. 5) and graphics data ("ODS" in abstract; Fig. 5) that is assigned an identifier ("object_id" in [0119]), if an active period of the control segment in the display set overlaps with an active period of a control segment in an immediately preceding display set on a reproduction time axis of the video stream ([0218]), the identifier assigned to the graphics data in the display set differs from an identifier assigned to graphics data which is referenced by the control segment in the immediately preceding display set ([0119]), the reproduction apparatus comprising: a video decoder operable to decode the video stream to generate a moving picture (Video Decoder 5" in [0198]; Fig. 28); and a graphics decoder operable to decode the graphics stream to generate graphics ("Graphics Decoder 12 " in [0198]; Fig. 28), and overlay the graphics and the moving picture ([0209]), wherein: the graphics decoder includes an object buffer for storing the graphics generated by the decoding ([0119]; "Object Buffer

15" in Fig. 28); the graphics stream includes a plurality of display sets ([0072]; [0074]; Fig. 5) each of which includes a control segment ("PCS" in abstract; Fig. 5) and graphics data ("ODS" in abstract; Fig. 5); and when processing the display set and an immediately preceding display set in a pipeline, the graphics decoder stores graphics generated by decoding the graphics data in the display set into a different area of the object buffer from graphics generated by decoding graphics data which is referenced by a control segment in the immediately preceding display set ([0211]; [0119]; [0216]).

Regarding claim 7, Yahata et al. also disclose the graphics decoder further includes: a processor operable to decode the graphics data in the display set to generate the graphics, and write the graphics to the object buffer ("Stream Graphics Processor 14" in Fig. 28; [0215]); and a controller operable to read graphics generated by decoding graphics data referenced by the control segment in the display set from the object buffer, and overlay the read graphics and the moving picture ("Graphics Controller 17" in Fig. 28; [0219]; [0220]; [0221]; [0222]; and [0209]); and in the pipeline processing, the processor writes the graphics generated by decoding the graphics data in the display set to the object buffer, whilst simultaneously the controller reads the graphics generated by decoding the graphics data referenced by the control segment in the immediately preceding display set from the object buffer ([0211]).

Regarding claim 8, Yahata et al. also disclose the control segment in the display set is provided at a beginning of the display set ("PCS" in Fig. 5); the controller decodes the control segment, and, in accordance with a decoding result of the control segment, reads the graphics from the object buffer and displays the read graphics ([0219]).

Regarding claim 9, Yahata et al. also disclose the control segment is contained within one packet ([0072]); and controller starts decoding the control segment at a time shown by a decoding time stamp written in the packet ([0073]; [0131]; [0133]), and starts displaying the graphics at a time shown by a presentation time stamp written in the packet ([0073]; [0131]; [0219]).

Regarding claim 10, Yahata et al. also disclose if the graphics data in the display set has a different identifier from the graphics data referenced by the control segment in the immediately preceding display set, the graphics decoder stores the graphics generated by decoding the graphics data in the display set into the different area of the object buffer from the graphics generated by decoding the referenced graphics data ([0019]); and if the graphics data in the display set has a same identifier as the referenced graphics data, the graphics decoder stores the graphics generated by decoding the graphics data in the display set into a same area of the object buffer as the graphics generated by decoding the referenced graphics data, so as to overwrite the graphics generated by decoding the referenced graphics data ([0119]).

Regarding claim 11, Yahata et al. also disclose when the graphics generated by decoding the graphics data in the display set is to overwrite the graphics generated by decoding the referenced graphics data, the graphics generated by decoding the graphics data in the display set is made up of a same number of horizontal pixels and a same number of vertical pixels as the graphics generated by decoding the referenced graphics data ([0119]).

Regarding claim 12, Yahata et al. disclose a method of recording onto a recording medium ([0278]), comprising the steps of: generating application data ([0273]); and recording the application data to the recording medium ([0279]), wherein: the application data includes a digital stream generated by multiplexing a video stream and a graphics stream ([0273]); the graphics stream includes a plurality of display sets each of which is used for a graphics display ([0072]; [0074]; Fig. 5); the display set includes a control segment ("PCS" in abstract; Fig. 5) and graphics data ("ODS" in abstract; Fig. 5) that is assigned an identifier ("object_id" in [0119]); and if an active period of the control segment in the display set overlaps with an active period of a control segment in an immediately preceding display set on a reproduction time axis of the video stream ([0218]), the identifier assigned to the graphics data in the display set differs from an identifier assigned to graphics data which is referenced by the control segment in the immediately preceding display set ([0119]).

Claim 13 is rejected for the same reason as discussed in claim 6 above.

Claim 14 is rejected for the same reason as discussed in claim 6 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is 571-270-1116. The examiner can normally be reached on M-Th:7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hung Dang
Patent Examiner